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1. Robert A. Butler, Ph.D., Respondent, date of birth June 19, 1955, is licensed by the Wisconsin Psychology Examining Board as a psychologist in the state of Wisconsin pursuant to license number 1079, which was first granted November 7, 1983.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3963 Presque Isle Ct., Green Bay, WI, 54301
3. Ms. A (DOB 7-4-76) is the daughter of Mr. A and Mrs. A.
4. On December 25, 1987, it was reported that Mr. A had sexually abused Ms. A, over a period of approximately 4 years, while she was a minor. Mr. A denied these allegations.
5. In an attempt to reach a resolution on the allegations, the Marinette County District Attorney requested that Respondent conduct a comprehensive psychological evaluation of Mr. A, with reference to a deferred prosecution agreement between the State and Mr. A.
6. On April 24, 1994, Respondent completed his 21 page report of the psychological evaluation of Mr. A. Although the report strongly recommended that Mr. A receive psychotherapy, Respondent's report discussed problems with Ms. A's credibility and stated that Respondent could not conclude that Mr. A was a pedophile.
7. Mrs. A and Ms. A learned of the content of Respondent's report. Mrs. A believed her daughter's allegations and was upset by Respondent's findings.

8. On approximately June 24, 1994, Respondent received a telephone call from Mrs. A.

Mrs. A was distraught and angry and stated that she wanted to meet with Respondent to discuss the content of Respondent's psychological evaluation of Mr. A. Respondent replied that his role in that case was finished and would not meet with Mrs. A to discuss the report.

9. In that telephone conversation, Mrs. A continued to insist that she wanted to meet with Respondent. According to Respondent, he told Mrs. A that she sounded emotionally unstable and that he would meet with her to perform a clinical evaluation only if she agreed to become his patient.

10. It was clear to Respondent during the telephone conversation with Mrs. A that Mrs. A's emotional instability was resulting from the content of Respondent's report regarding Mr. A's psychological condition. Respondent told Mrs. A that he would discuss aspects of his psychological evaluation of Mr. A, but only in the context of evaluating her suspected affective disturbance.

11. Respondent and Mrs. A agreed to meet on June 29, 1994.

12. On June 29, 1994, Mrs. A. arrived at Respondent's office and was requested to complete, and completed, the office registration form and signature on file card for insurance billing purposes. The forms do not indicate why Mrs. A was meeting with Respondent.

13. Respondent then met with Ms. A for what he contends was 90 minutes, including charting. Respondent's clinical note of that date begins:

"Initial urgent evaluation of [Mrs. A], at her request, to assess her emotional status and to process her concerns about my recent psychological evaluation of her ex-husband.

[Mrs. A] started our session by accusing me of having slandered her daughter, [Ms. A], in my report and of not consulting with enough previous professionals to form a credible opinion.

[Mrs. A]'s daughter, [Ms. A], arrived and requested to join our session, as she had some feelings to share with me.

[Mrs. A] indicated that it was alright with her if [Ms. A] joined her evaluation appt. and we then proceeded.

[Ms. A] proceeded to express her view that my report was filled with 'inaccuracies' and that my evaluation 'was a joke'.

I acknowledged [Ms. A]'s feelings but stated I firmly believed my report was carefully prepared and reflected the information that I gathered and the results of several tests I administered.

[Mrs. A] appeared quite angry at this point and asked me to update my report due to what she felt was an inadequate review of all relevant factors.

14. The remainder of the clinical note references Respondent's inquiry of whether Mrs. A's anger was a symptom of her depression over the entire situation. Respondent suggested that Mrs. A consider resuming outpatient treatment for depression and her emotional distress. Respondent's clinical impressions were: Axis I Major Depression in partial remission. Axis II Rule out Histrionic Personality Disorder.

15. Psychologists are to refrain from taking on professional obligations when a preexisting evaluation of another client creates a conflict of interest which may impair the psychologist's objectivity or otherwise interfere with the psychologist carrying out the psychologist's obligations to a second client.

16. Respondent was aware that the precipitating event causing Mrs. A's emotional distress was Respondent's report of the psychological evaluation Respondent had conducted of Mr. A.. Respondent should not have agreed to provide professional services to Mrs. A in these circumstances.

CONCLUSIONS OF LAW

1. The Psychology Examining Board has jurisdiction over this matter pursuant to

§ 455.09, Stats.

2. The Wisconsin Psychology Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent's conduct, as described above, is the failure to avoid a conflict of interest which constitutes

unprofessional conduct as defined by Wis. Adm. Code § PSY 5.01(17) and subjects Respondent to discipline pursuant to § 455.09(1)(g), Stats.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That Respondent, Robert A. Butler, Ph.D., is REPRIMANDED for his conduct.
2. Respondent shall take and complete the one-day program on the topic of appropriate boundaries in professional relationships entitled "Ethics, Boundaries, and the Law in Human Services" presented by Gary R. Schoener on September 9, 1999 in Green Bay, Wisconsin.
3. If Respondent is unable to complete the course described in the preceding paragraph because of illness or other circumstances acceptable to the Psychology Examining Board or its designee, Respondent shall, within 6 months of this order, satisfactorily complete another course in the area of psychologist/client boundaries, which course shall first be approved by the Psychology Examining Board or its designee.
4. Respondent shall provide proof sufficient to the Board of his satisfactory completion of the education within 30 days of completion.
5. Any request for approval of a substitute course and evidence of completion of the education required by this order shall be mailed or delivered to:

Department Monitor

Department of Regulation And Licensing

Division of Enforcement

1400 East Washington Ave.

P.O. Box 8935

Madison, WI 53708-8935

6. Respondent shall not use any continuing education credits obtained by completing this ordered education in satisfying the Board's biennial continuing education requirements.
7. Respondent shall bear all costs incurred as a result of satisfying this Order.

The rights of a party aggrieved by this Decision to petition the Section for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 1st day of September, 1999.

Stephen F. Seaman, Ph.D.

Chair

Psychology Examining Board